



## **CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE**

**DATE/TIME: Monday, October 15, 2007 - 7:00 p.m.**

**LOCATION: Police Department Auditorium  
870 Santa Barbara Drive**

Roll Call

1. Minutes of September 17, 2007 (*draft minutes attached*)
2. Review of Subcommittee Report on Draft EIR for Hoag Health Center; and Approval of Comments (*draft report attached*)
3. Review of Subcommittee Report on Draft EIR for UCI Long Range Development Plan; and Approval of Comments (*draft report attached*)
4. Draft Resolution Making Recommendations to the City Council Regarding a Green Building Initiative (*draft resolution attached*)
5. Economic Development Committee (EDC) Representative's Report
6. Coastal/Bay Water Quality Committee Representative's Report
7. Report from Staff on Current Projects
8. Public Comments
9. Future Agenda Items
10. Adjournment

***NEXT MEETING DATE: November 19, 2007***

\*Attachments can be found on the City's website <http://www.city.newport-beach.ca.us>. Once there, click on **City Council**, then scroll to and click on **Agendas and Minutes** then scroll to and click on **Environmental Quality Affairs**. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2<sup>nd</sup> Floor.



## CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

### DRAFT MINUTES 9-17-07

Draft minutes of the Environmental Quality Affairs Committee held at the City of Newport Beach Police Department Auditorium, 870 Santa Barbara Drive, on **Monday, September 17, 2007.**

**Members Present:**

|   |                                             |   |                  |
|---|---------------------------------------------|---|------------------|
| X | Nancy Gardner, Council Member               |   | Sandra Haskell   |
| X | Michael Henn, Council Member                |   | Barry Allen      |
|   | Bruce Asper - <i>excused</i>                |   | Kristine Adams   |
|   | Dolores Otting, Vice Chair - <i>excused</i> |   | Susan Knox       |
|   | Kimberly Jameson - <i>excused</i>           | X | Arlene Greer     |
|   | Matt Wiley                                  | X | Timothy Stoaks   |
| X | Brent Cooper                                |   | Jennifer Winn    |
| X | Laura Dietz                                 |   | Ray Halowski     |
|   | Kenneth Drellishak, Chair                   | X | Barbara Thibault |
| X | Laura Curran                                |   | Merritt Van Sant |
| X | Michael Smith                               | X | Robert Rush      |
| X | Michael Pascale                             | X | John Moftakhar   |

**Staff Representatives:**

**Guests:**

|  |                             |                  |
|--|-----------------------------|------------------|
|  | Ass't City Mgr. Sharon Wood | J. Michael Huls  |
|  |                             | Stephanie Barger |
|  |                             | Erik Thurner     |

Chairperson Ken Drellishak called the meeting to order at 7:04 p.m.

1. Minutes of August 20, 2007

Arlene Greer moved to approve the minutes of August 20, 2007. Ray Halowski seconded the motion.

**Motion passed unanimously**

2. Presentation from Michael Huls on Zero Waste

Mr. Huls presented information on best management practices to mitigate environmental impacts from businesses and households. He and Stephanie Barger of Earth Resources

responded to questions from Committee members.

8. Public Comments

Chair Drellishak requested that this item be taken out of order.

Erik Thurner spoke about noise impacts from Hoag Hospital on Villa balboa.

3. Appointment of Subcommittee to review Draft Environmental Impact Report for UCI Long Range Development Plan

In light of the Committee's current heavy workload, it was decided to limit review of this DEIR to sections that have the greatest potential for impacts on Newport Beach. Members were appointed and assigned to review sections of the DEIR, as follows:

|                |                |
|----------------|----------------|
| Laura Curran   | Air Quality    |
| Laura Dietz    | Air Quality    |
| Ray Halowski   | Hydrology      |
| Michael Smith  | Hydrology      |
| Kristine Adams | Noise          |
| John Moftakhar | Transportation |

4. Report from Energy Subcommittee

The subcommittee is to meet and report to the full Committee at the meeting of October 15.

5. Economic Development Committee (EDC) Representative's Report

Chair Drellishak reported that there was no meeting in August.

6. Coastal/Bay Water Quality Committee Representative's Report

Nancy Gardner presented information on a report on toxicity in Newport Bay.

7. Report from Staff on Current Projects

Sharon Wood reported on several projects: Hoag Health Center, Hoag Hospital Master Plan, Hyatt Regency Hotel, UCI Long Range Development Plan, 1640 Monrovia in Costa Mesa, and Bel Mare.

9. Future Agenda Items

October 15, 2007: Review of DEIRs on Hoag Health Center and UCI Long Range Development Plan

10. Adjournment

Chair Drellishak adjourned the meeting at 8:45 p.m.

To: Jaime Murillo  
Associate Planner  
City of Newport Beach

16 October 2007

From: Environmental Quality Affairs Committee (EQAC)

Subject: DEIR, Hoag Health Center Use Permit Amendment, September 2007.

EQAC hereby submits our review comments regarding the Subject DEIR. We trust that these will assist you in optimizing the Hoag Health Center project for the benefit of the City of Newport Beach. Although all parts of the DEIR were reviewed, we include comments only on those sections where clarification is needed.

## 4.2 Traffic and Parking

### 4.2.4 Potential Impacts

- Project generates a “net” Increase in project related daily trip generation [estimated] to be 12,743 based on NBTAM.
- Table 4.2.3 sub note 2 “existing Trip Generation does not reflect UP 06-010 approved by the City of NPB in 12/07 in order to provide a “worse case” analysis of traffic impacts. Include this UP 06-090 approved project in the traffic analysis.
- 4.2.4.2 Long Term Operational Impacts – TPO analysis (Table 4.2-4) indicated that the one percent threshold was exceeded at one or more of the intersections in the city of NPB. As a result the ICU analysis is required. 2009 CEQA Intersection Capacity Analysis Table 4.2-6 summarizes the ICU and LOS values for the key intersections in CM & NPB. NPB intersections are forecast to operate at LOS D or better (i.e. acceptable). There are two intersections in the city of CM that will operate at LOS E or F (i.e. unacceptable). No comments from reviewer are included since these are not in the city of NPB.
- Table 4.2-5, correct footnote 2 (refer to Appendix ??)
- Synchro Analysis – Based on analysis, the study area intersections along Superior Ave. are projected to operate within acceptable levels of service (2009).
- 2025 Traffic Conditions – City of NBP includes the Improvement of the 19<sup>th</sup> Street bridge, the Costa Mesa does not. How does this affect all of the previous traffic analysis?
- Typo Page 4.2-21 paragraph 3 indicates “9<sup>th</sup> Street bridge – reviewer assumed 19<sup>th</sup> Street bridge.
- Traffic Signal warrant analysis: DEIR states that a traffic signal to be installed at Superior Ave./Project Driveway intersection. Does NB have authority to do this or are other approvals required?
- Page 4.2-23: Mitigation Measure 4.2-2 is confusing because the end of the second paragraph on Page 4.2-19 states that mitigation is infeasible until such time as the City of Costa Mesa has a mechanism to accept fair share fees to

complete that intersection. The paragraph on Page 4.2-24 should clarify whether Mitigation Measure 4.2-2 is in or out. As an alternative, inquire with the City of Costa Mesa on how they may accept fair share fees.

### 4.3 Air Quality

The last paragraph on Page 4.3-15 states that the proposed project would result in potentially significant air quality impacts from long-term operational emissions of four criteria pollutants. The last paragraph on Page 4.3-16 states that because air quality is improving in the air basin, violation of air quality standards will not likely worsen regional air quality, lead to a violation or contribute to a violation. Please cite the research that demonstrates air quality in the air basin will improve in the future. The conclusion on Page 4.3-16 appears to imply that if regional air quality is forecast to improve, individual projects may exceed long-term operational emission standards. Is this correct?

The first sentence on Page 4.3-21 states that lower vehicular emissions from advanced technology and lower future ambient CO levels will offset the growth in CO concentrations from future traffic increases. Cite the data source that demonstrates the certainty that advanced technology will reduce future vehicular emissions and lower future ambient CO levels. If such information is not available, revise the air quality forecast model to eliminate factors that reduce predictions of future CO levels from vehicular traffic.

### 4.4 Noise

As a general comment throughout Section 4.4 of the EIR and in Appendix E concerning Short - and long-term impacts on residents on Superior Avenue and Dana Road: Human hearing and the damaging effects of noise are not linear with respect to any physical measures of sound intensity or frequency. Some frequencies have more damaging effects in the long and short term. Current research suggests that the A-weighted decibels (dBA) scale that LSA Associates uses is outdated, and a more appropriate assessment would use C-weighted measures, which more appropriately captures the effects of low-frequency noise of the kind that will be at issue for the HHC project. For example, using A-weighting, a low frequency noise of 50 Hz, which vibrates homes and is felt in the body, is under measured by 30 dB as compared to 1.3 dB in measurements taken with C-weighting. Overall measurements are under measured by 7-8 dB with A-weighting as compared to C-weighting. The CNEL measures presented by LSA Associates do not address this criticism.

Various industrial sources emit continuous low-frequency noise (compressors, pumps, diesel engines, fans, public works). Heavy-duty vehicles and air traffic produce intermittent low-frequency noise. Low-frequency noise may also produce vibrations and

rattles as secondary effects. Health effects due to low- frequency components in noise are estimated to be more severe than for community noises in general (Berglund et al.1996). Since A-weighting underestimates the sound pressure level of noise with low-frequency components, a better assessment of the impacts to adjacent residents and their health would be to use C-weighting. The World Health Organization's safety recommendations use dBC measures. Although the HHC EIR may be required to conform to The City of Newport Beach dBA criteria, it should be noted that the choice of such criteria are not written in stone and future studies should be asked to present more meaningful measures (e.g., dBC and spectral harmonic analyses) of noise impacts so that an informed evaluation can be done.

P.4.4-17, subsection 4.4.5: It is very difficult to evaluate the DEIR assessment of the long-term impact expected from the project's additional vehicular traffic. Is it possible to give an impression of how much additional vehicular traffic is expected during peak work hours, over the projected amounts that are seen due to seasonal (summer) traffic increases and general yearly expected increases.

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Appendix E prepared by LSA Associates, Inc.

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- P. 3, para. 1: RE: Two shuttle trips per day. Will loading/unloading occur on Dana Road? Will there be through access (to eliminate potential vehicle back up alarm noise)?

- P. 3, para. 1: Interim 1-year shuttle service to Hoag Hospital: Need better estimate of noise impacts/durations/mitigations for that year. If it is serving all of Hoag it seems that it could be a significant impact. Is it possible to require that all shuttle pickups/deliveries take place in the area between buildings and parking structures?

- P.7, para 1-2: Measurement of sound using dBA scales.

See general comment above about the uninformative value of dBA measures.

See, also Berglund B., Lindvall T., Schwela D.H. (eds.) (1999). Guidelines for Community Noise. London:World Health Organization.

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- P.16, item N2.3: RE: truck deliveries. Does design component involve drive-thru access to eliminate back up alerts impacting residents throughout the day?

- P. 17, "construction noise" item: During construction, noise may range up to 84 – 91 dBA. This is considerable. Is there any way to get a dBC measure (broken out by spectral frequency) of this since it exceeds the ordinance? Also, a project map illustrating the expected daily durations, including the hourly timeframes, at these extreme levels, would be helpful.

- P. 24: RE: long-term stationary noise impacts. Not enough is said about how rooftop mechanical units, truck delivery and other activities in the parking lot would generate long-term impacts and if they need mediation.

- P. 25, the top paragraph RE: delivery entrance: “it is assumed that the medical office use loading area (near the front entrance of the building) is at least ... 250 ft from the residences to the west.” Recommend that the option be examined to position receiving between the buildings and the parking structures. It seems that more mitigation is needed for this item.

- P. 27: ”...no significant noise impacts would occur from the rooftop mechanical units ...” Are the HVAC units the only units of concern on the rooftop? Where are the trash compactors and such? Will elevator motors, used nightly by cleaning crews, be positioned on the roof and operating within acceptable noise levels? It is unclear if the design components of the project place these large/noisy devices as far as possible from neighboring residences in an effort to minimize their impact.

## 5.10 Aesthetics

The property changes planned, since the 2001 use-permit filing, have focused on a minimal disruption to building site lines as viewed, primarily from the Newport Boulevard side of the property (eastern side) and to a lesser extent from the Superior Avenue side (western side). A building height variance already exists, from 2001. The primary impact of this amendment is the proposed construction of a multi-story parking structure, replacing an office building that will be demolished on that same site. The plan demonstrates consistency in its goal of assuring that any negative visual impacts are minimized as a result of the replacement of the office building with the parking structure. The parking structure will be of approximately the same size and equivalent site lines from Newport Boulevard as is the to-be-demolished 530 Superior Avenue building.

The design of the proposed parking structure is such to make it compatible in appearance with the building it replaces as well as the office park in which it will be located. Even the elevation of the building and the view from the Newport Boulevard are very similar to that now presented by the 530 building.

As a result of the above main considerations, no significant aesthetic impacts are seen to be caused by the proposed construction of the parking structure as well as the other changes to the property related and included in the amendment. Assuming the continued attention to the goal of minimal aesthetic change, during and after the construction, this will be validated once the construction project is completed. The maintenance of similar site lines and elevation is very important to this validation of continued aesthetics.

Notwithstanding close control of the building and architectural details, aesthetics of the project can be greatly enhanced with proper emphasis on landscaping and judicious use of foliage. Is there a detailed landscape plan that will make the project compatible with planned Superior Avenue beautification?

#### 5.14 Hazards and Hazardous Materials

- The DEIR appendices are not numbered in any sequential fashion nor are some of the pages numbered at all. This results in the document being very difficult, cumbersome and time consuming to read.
- The DEIR does not include responses to a letter from the Department of Toxic Substances Control item #4 asking the following: “All environmental investigations, sampling and/or remediation for the site should be conducted under a work plan approved and overseen by a regulatory agency....The findings on any investigations, including Phase I & II investigations, should be summarized in the document.” Where are the answer and summary?
- A letter from the Department of Toxic Substances Control item #6 asks: Where are the work plans and studies as requested for the above? i.e. – asbestos and lead.
- What are the total tonnages to be removed and how will the truck staging take place?
- Hazardous Materials Checklist, Appendix A, page 19, states that they will comply with all State Agencies with regard to the removal of asbestos (they know that it is there) and lead. The checklist item also indicates, “The LBP and ACM that may exist in the buildings that will remain will be removed prior to the remodeling that will be undertaken to implement the proposed project and demolition of the existing office building. Therefore neither demolition of that structure nor remodeling necessary to convert the existing floor area to medical office floor area would NOT result in the emission and dispersal of any hazardous materials and/or contaminants within the project area. What does this mean?
- Checklist, page 21 states mitigation measures, MM-6, MM-7, and MM-8...Should the prior studies or documents be available to the public in this report to demonstrate how they accomplished these in the past?

#### 9.0 Cumulative Impacts of the Proposed Project.

The DEIR states that Cumulative Effects due to 14 projects (10 in Newport Beach and 4 in Costa Mesa) were analyzed to show that no additional significant impacts in any environmental area resulted from consideration of these 14 projects. The existing significant/unavoidable impacts on air quality and Newport Blvd. traffic congestion were not worsened despite the impact of these 14 projects. However, many of these projects are far away from this site (e.g. Newport Coast and Newport Ridge) and it is not surprising that they would have minimal affect. Shouldn't development of Banning Ranch and Sunset Ridge be included in the study? What does future Superior Ave. enhancement do to long-term traffic flow in the vicinity of the project?

It seems that these projects could be considered in the same context as other “proposed but not approved” projects among the 14 which were considered. These could have significant impacts on traffic on Superior, Placentia and PCH.



Two other future items should be considered.

- The Superior Avenue enhancement may be scheduled at the same time as the Hoag Health Center Project. Hopefully the beautification of Superior Avenue will not conflict with the construction of the Hoag Health Center Project. How will this be resolved?
- Three convalescent hospitals are located near the proposed Hoag Health Center Project. The facilities should be notified of the construction hours to avoid interference with patient activity relative to these facilities. How will this be resolved?

#### General Comments: EIR Standards

Some mitigation measures for this project are weak and/or deferred. Please note the following guidance provided by CEQA.

An EIR constitutes the heart of CEQA: An EIR is the primary environmental document which:

“...serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project, and ways to minimize adverse effects and to increase beneficial effects.”

CEQA Guidelines section 15149(b). See California Public Resources Code section 21003(b) (requiring that the document must disclose impacts and mitigation so that the document will be meaningful and useful to the public and decision-makers.)

Further, CEQA Guidelines section 15151 sets forth the adequacy standards for an EIR:

“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which takes account of the environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith attempt at full disclosure.”

Further, “the EIR must contain facts and analysis, not just the agency’s bare conclusions or opinion.” *Concerned Citizens of Costa Mesa, Inc. v. 32<sup>nd</sup> District Agricultural Association*. (1986) 42 Cal. 3d 929 (Emphasis supplied.).

In addition, an EIR must specifically address the environmental effects and mitigation of the project. But “the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.” CEQA Guidelines section 15146. The analysis in an EIR must be specific enough to further informed decision making and public participation. The EIR must produce sufficient information and analysis to understand the environmental impacts of the proposed project and to permit a reasonable choice of alternatives so far as environmental aspects are concerned. See *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376.

Also, to the extent that an EIR proposes mitigation measures, it must provide specific measures. It cannot defer such measures until some future date or event. “By deferring environmental assessment to a future date, the conditions run counter to that policy of *CEQA Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 308. See *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263,282 (holding that “the principle that the environmental impact should be assessed as early as possible in government planning.”); *Mount Sutro Defense Committee v. Regents of University of California* (1978) 77 Cal. App. 3d 20, 34 (noting that environmental problems should be considered at a point in the planning process “where genuine flexibility remains”). CREQA requires more than a promise of mitigation of significant impacts: mitigation measures must really minimize an identified impact.

“Deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possible incorporated in the mitigation plan. (Citation omitted.) On the other hand, an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report. (Citation omitted.) *Defend the Bay v. City of Irvine* 2004 Cal. App. LEXIS 1031 at 25 (Cal.Ct.App.2004).

Thank you for the opportunity to provide these comments on the Subject DEIR for the Hoag Hospital Health Center Project.

To: Richard Demerjian  
Director, Campus & Environmental Planning  
University of California, Irvine

16 October 2007

From: Environmental Quality Affairs Committee (EQAC)  
City of Newport Beach

Subject: LRDP EIR Public Comment

The City Council of the City of Newport Beach has established and authorized EQAC to review and comment on environmental documents and programs that have an impact on the City of Newport Beach. Because the subject project will have such an impact, EQAC respectfully submits the following comments in hopes that they will assist you in optimizing the project for the benefit of UCI and it's Newport Beach neighbors. We recognize the importance of the contributions of UCI to this region and our comments are limited to those areas that most affect our community as you continue your long- range expansion program.

#### 4.2 Air Quality

UCI's Environmental Health and Safety (EH&S) Department is responsible for implementing UCI's Clean Air Programs and assessing and facilitating UCI's compliance with air quality laws and regulations (page 4.2-9). Several different UCI departments are involved with the program and will participate in assuring compliance with requirements of this DEIR.

Four air quality Issues were evaluated in the DEIR, resulting in three air quality Mitigation Measures (Air-2A, 2B and 2C, pp. 4.2-18, 19, 20 ).

The first two (Air-2A and 2B ) deal with short-term construction activities when emissions of VOCs, NOx, and PMs(10,2.5) would exceed allowable thresholds. However, in the Construction Emissions discussion on pages 4.2-12 and 13, it is implied that judicious phasing can have a significant positive impact on objectionable emissions. Shouldn't construction phasing (temporal and/or special) be included as a mitigation measure?

The third mitigation measure, Air-2C, deals with emissions in the operational phase and includes an impressive array of programs covering transportation, Green Building design and stationary controls. Does the extensive University shuttle system (over 1 million passengers in 2005-6) utilize low/no emission technology?

#### 4.7 Hydrology & Water Quality

For the plans regarding hydrology and water quality, the DEIR states that UCI will follow all laws, policies and requirements from a UCI, city, state, county, RWQCB, SWRCB, federal standpoint. Compliance to these policies should ensure that everything would be done correctly and to BMP during construction and with the final site. Is there an overall management plan, including compliance verification, to assure that all of these commitments are met?

Other suggestions to consider for the project that will benefit overall hydrology:

Use more street cleaners more often around the new housing and overall campus (see p. 4-16 mitigation measures) to capture pollutants (particularly from cars) before they enter the drainage system.

Use pervious pavement, not impervious surfaces (discussed on p. 4-62, last paragraph) on all outdoor areas.

Use climate controlled irrigation systems.

Use native California plants and vegetation to minimize water usage and minimize overflow.

Use bio-swales to impede runoff and help filtration wherever possible

#### 4.9 Noise

##### General Comments

Several of the areas that border the planned development are, in fact, within the city of Newport Beach.

The DEIR claims to address both on-campus and off-campus noise impacts, but it addresses only impacts to on-campus and off-campus Irvine areas. The projected additional traffic travels through Newport Beach from several different directions in order to access the sprawling UCI campus. This means that the DEIR's measure of permanent increase in noise levels due to traffic and transportation into and around UCI can reasonably be expected to apply to the affected Newport Beach areas, as well.

UCI is not subject to municipal regulations. The DEIR states, however, that the City of Irvine's noise standards are "relevant" to UCI "in establishing guidelines and evaluating impacts" because it is located within the City of Irvine."

With several exceptions, two standards were employed in the evaluation of whether permanent increases in ambient noise are Significant. State of California noise standards were applied to on-campus exposure to noise levels, and City of Irvine Noise Ordinance standards were applied to off-campus exposure to noise levels.

But the DEIR clearly states that it "typically" (not consistently) complies with City of Irvine noise standards, and only "where feasible." The DEIR further points out that, irrespective of the UCI immunity from the City of Irvine Ordinance, the City of Irvine Ordinance itself allows waivers from its standards and restrictions. This includes waivers from the otherwise restricted hours of 7 a.m. to 7 p.m. for construction noise activities.

#### 4.9.1.3 Ambient Noise

##### Transportation Noise (permanent)

It appears that permanent increases in transportation noise along roadways such as Campus, Bonita Canyon, Newport Coast, and Bison present a significant impact on the affected areas in the City of Newport Beach. As discussed above, it should be presumed that the DEIR's projections in noise increase for off-campus roadways in Irvine that surround the UCI campus can be translated to the off-campus roadways in Newport Beach that are close to and/or surround the campus.

This question is important because the DEIR notes that the 3 dBA increase in existing noise levels brings the noise to Unacceptable and/or Clearly Unacceptable levels under State standards, but then goes on to state -- without any explanation or supporting data whatsoever -- that the 2007 LRDP is actually only responsible for ADTs causing "less than 1 dBA" of the increase. The DEIR then refers the reader to 4.9.4.1 for further discussion, but 4.9.4.1 only incorporates what is stated at 4.9-26.

These conclusions and the data upon which they are based should be clarified.

##### New Stationary Noise (permanent increase)

This section is located at page 4.9-26 through 4.9-29. At least one of the several new stationary noise sources are projected to present dBA levels over 100 (such as the proposed satellite utilities plant).

The mitigation measures appear to be comprehensive, but this section is difficult to decipher because the discussion is full of express assumptions based on express assumptions.

Without further information, it is at present impossible to determine the extent to which it concerns Newport Beach. The DEIR simply fails to present enough information on the noise travel levels. For example, it fails to supply enough information about the variance in impacts at different hours of the day and night. According to the DEIR, the equipment will be running 24-hours per day, and the facility will serve as a constant noise source. These conditions beg the need for more-specific data.

##### Construction Noise

The DEIR notes that the noise level increases will be significant. The proposed mitigation measures appear to be primarily sensitive only to Irvine areas.

As one example of the proposed mitigation measures, construction will be limited to the hours 7 a.m. to 7 p.m., but on summer, winter, and spring breaks the hours may be increased as approved by UCI.

It would be helpful if the DEIR would expressly entertain and incorporate mitigation measures that will address the impacts on the affected surrounding Newport Beach areas, especially during evening hours when the noise travels further in the absence of daytime ambient noise, for example.

#### 4.9.1.4 Vibration Conditions

The DEIR notes that the extent of vibration travel depends on soil conditions and other variables. It concerns itself only with distances of 600 feet. Someone with knowledge on soils and the other noted conditions should address this issue in order to determine whether the conclusions regarding distance of noise travel is reasonable and accurate.

#### 4.13 Transportation, Traffic and Parking

On page 4.13-13, in the second paragraph, specific Newport Beach intersections are identified as being non-compliant with current LOS standards. What will be done specifically and immediately to resolve the issues pertaining to these intersections? There appears to be no indication of mitigation measures to address these intersections.

On page 4.13-25, Issue 1 Summary box under mitigation, why is there no discussion of proposals that have to do with re-routing of traffic to alleviate the traffic issues?

On page 4.13-26, the chart and accompanying paragraph in the middle of the page state that the city of Newport Beach uses “Peak-Hour Intersection Performance” in evaluating project impacts. The DEIR does not include an analysis based on this method. It simply states: “Not Applicable”. This statement of non applicability appears in several areas (also on page 4.13-30). The DEIR should evaluate the intersections in Newport Beach based on the “Peak-Hour Intersection Performance” in order to be complete.

On page 4.13-50, in the final paragraph, it states “...UCI also generates approximately \$2 million per year in Measure M Transportation Funds which are used to fund off-campus transportation improvements to serve City and regional transportation needs. Can these funds be directed specifically for the benefit of Newport Beach for intersections affected by UCI LRDP?”.

On page 4.13-55, under the paragraph titled “Tra-1F”, it appears that this statement is a “loop hole” for UCI to avoid paying for Newport Beach improvements. How can Newport Beach be assured that UCITP improvements will be funded in a timely manner?

## DRAFT RESOLUTION TO COUNCIL ON GREEN BUILDING INITIATIVE

Whereas the Environmental Quality Affairs Citizens Advisory Committee (EQACAC) is charged with reviewing quality of life issues that impact the City of Newport Beach, and

Whereas the City has an opportunity to review and revise policies and programs that improve the quality of life and reduce impacts that are harmful to the environment, and

Whereas EQACAC recognizes that new voluntary building standards could be introduced to reduce energy consumption carbon dioxide emissions, construction waste, water usage and other infrastructure requirements, therefore

We as an Advisory Committee have established a Subcommittee to explore the potential that exists for the promotion of Green Building Projects, as defined by the US Green Building Council, and want to encourage the City as a matter of policy to consider adopting Green Building principles as a cornerstone of future City projects.

We recommend that Council authorize retaining an appropriate consultant to develop a blueprint for the City that promotes “Green Building” at a minimum in all future City projects;

Or

We recommend that the Council instruct EQACAC to develop a blueprint based on models established in other California jurisdictions (e.g. Pasadena) coordinated with City staff at Council’s direction.